

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SD*
DATE: October 15, 2013
RE: 14-0325SD; 206-212 Battery Street

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. **THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: Battery Street Transition (BST) Ward: 5

Owner/Representative: 130 South Willard Street Partnership, LLC

Request: Combined preliminary & final plat review of 2-lot subdivision; no development included.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 10 (Subdivision Review), Article 12 (Variances and Appeals)

Background Information:

The applicant is seeking combined preliminary and final plat approval to subdivide an existing lot into two lots. No new development is included. Sec. 10.1.7, *Combined Preliminary & Final Plat*, allows the Development Review Board to combine preliminary and final plat review into a single public hearing for subdivisions of 5 or fewer lots.

Previous zoning actions for this property are noted below.

- 4/18/11, Approval for replacement of 2-level deck
- 2/25/10, Approval to replace 13 second floor windows
- 10/22/09, Approval to replace 10 windows
- 10/28/08, Approval to replace 9 windows
- 3/9/07, Approval to install two exterior light fixtures

Recommendation: Consent Approval as per, and subject to, the findings and conditions below:

I. Findings

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(5) Battery Street Transition (BST)

The subject property is located in the BST zone. This zone is intended to provide balance and continuity of development along both sides of Battery Street and to provide a transition to the

abutting residential zones. No new development is included in this proposal, and it will, therefore, have no impact on the balance or continuity of existing development. **(Affirmative finding)**

(b) Dimensional Standards & Density

The existing 0.64 acre lot will be subdivided into Lot A (0.10 acre) and Lot B (0.54 acre). Both lots will exceed the 4,000 sf minimum, and both lots will have required road frontage.

No minimum setback requirements apply, and lot coverage is not limited in the BST zone. FAR, however, is limited to 3. Confirmation is needed that FAR will not exceed 3 on either new lot.

Building height will remain unchanged. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

No new development is included in this proposal. The existing uses will remain unchanged. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.1 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.1 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.1 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.1 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing about the subdivision proposal constitutes a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

Not applicable.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

There are no important natural features on the subject property. **(Affirmative finding)**

(b) Block size and arrangement

Not applicable.

(c) Arrangement of Lots

The proposed lots are regularly shaped and will both have frontage on public streets as previously noted. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid

Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Not applicable.

Article 10: Subdivision Review

Sec. 10.1.8, Preliminary Plat Review

(d) Review Criteria

1. The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4

See Article 4 of these findings.

2. The review criteria for Conditional Use and Major Impact in Article 3, Part 5 where applicable

Not applicable.

3. The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable

See Article 5 of these findings.

4. The land division and site development principles and design standards in Article 6.

See Article 6 of these findings.

Sec. 10.1.11, Recording of Final Plats

(a) Certifications and Endorsement

Most of the required certifications and endorsement blocks are correctly depicted on the subdivision plat. The Planning Commission endorsement block must be deleted. The DRB endorsement block is depicted and must be retained. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, a FAR calculation shall be provided for each of the proposed lots, subject to staff review and approval.
2. **Prior to release of the zoning permit**, a revised subdivision plat shall be submitted without the Planning Commission endorsement block, subject to staff review and approval.
3. Within 180 days of approval, a fully signed and endorsed mylar of the subdivision plat shall be filed in the City Land Records. Failure to do so shall render this approval null and void.
4. Standard permit conditions 1-15.

City Engineer's Certification as follows:
"It is hereby certified that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and all other engineering requirements of Burlington, Vermont."
By City Engineer: _____ Seal:
Registered: _____

Surveyor's certification as follows:
"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as 'future' and their location, size, type and materials are correctly shown."
By: _____
Registered: _____

Applicant's certification as follows:
State of Vermont, County of Chittenden, City of Burlington
"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey."
Agent/Owner: _____
Date: _____

Certificate of the City Engineer, as follows:
"I, _____, City Engineer, do hereby certify that the subject plat has been examined by me and found to comply with the engineering requirements set forth in the regulations governing plats of subdivided land adopted by the city council, with the following exceptions:"

City Engineer

Certificate of the Superintendent of City Parks as follows:
"I, _____, Superintendent of Parks do hereby certify that the subject plat has been examined by me and found to comply with the street planting requirements and park area requirements set forth in the regulations governing plats of subdivided land adopted by the city council with the following exceptions:"

City Superintendent of Parks

Certificate of the City Fire Marshal as follows:
"I, _____, Fire Marshal do hereby certify that the subject plat has been examined by me and found to comply with the fire prevention requirements set forth in this chapter governing plats of subdivided land adopted by the city council with the following exceptions:"

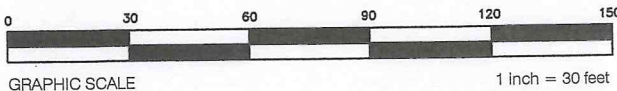
City Fire Marshal

City of Burlington
Received for Record

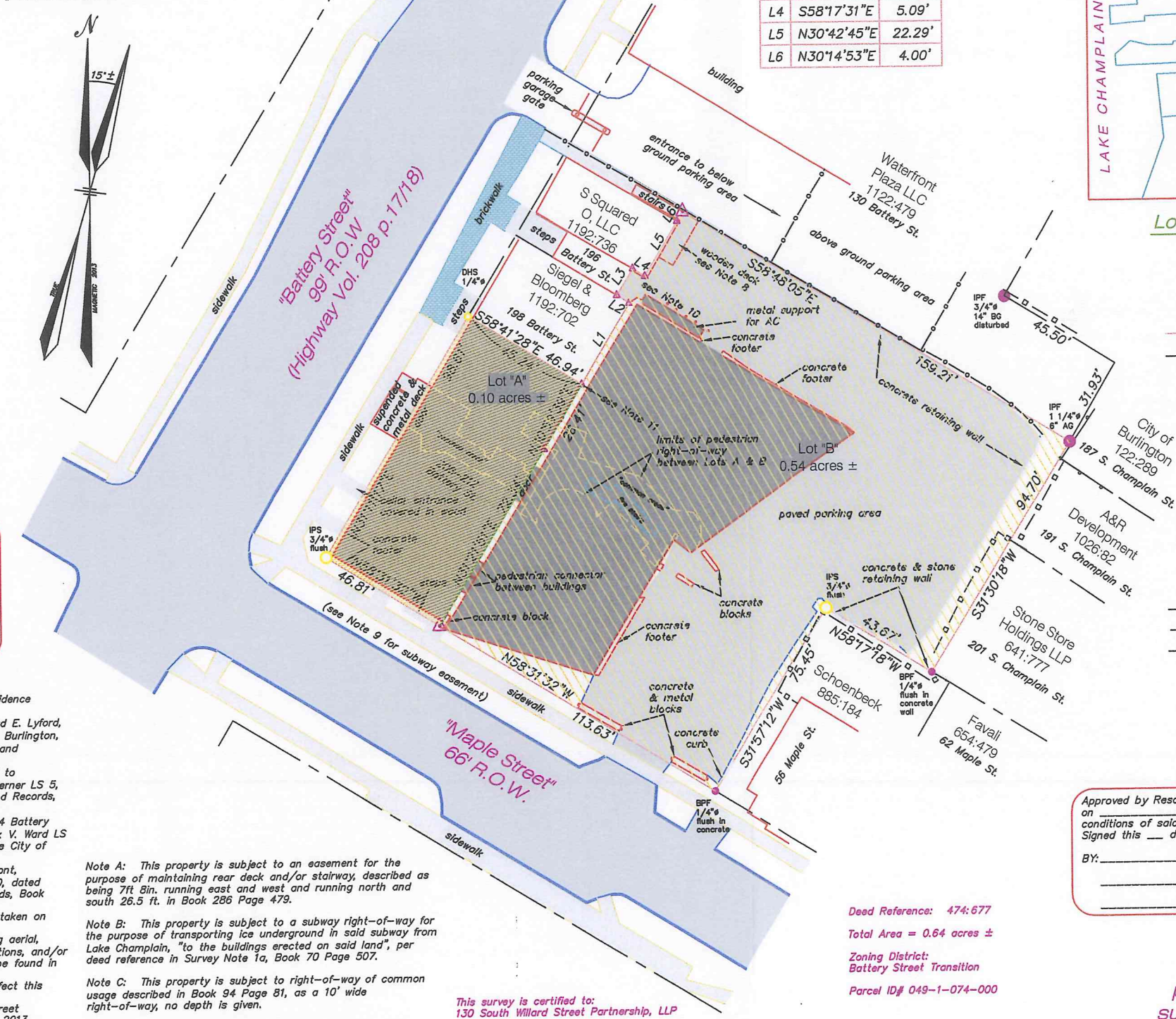
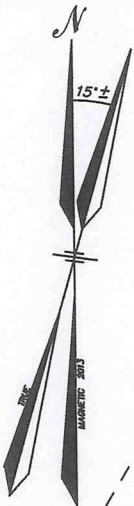
_____ A.D. _____
at _____ o'clock _____ minutes _____ M
and recorded in _____
attest: _____
Town Clerk

Survey Notes:

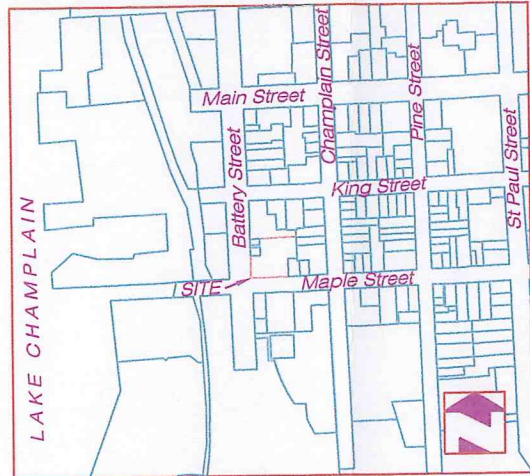
- This survey has been compiled from field surveys and record evidence including the following plats:
 - "James J. Fayette & the Trustees of Phillip F. Fayette to Richad E. Lyford, Jane Jacobson, T.R.K. Inc. d/b/a Champlain Valley Distributing Co., Burlington, Vermont", prepared by Fred C. Koerner LS 5, dated August 1983, and recorded in the City of Burlington Land Records, Map Slide 147.
 - "Phillip F. & James J. Fayette, Parcels of Land to be conveyed to Bloomberg & Siegal, Burlington, Vermont", prepared by Fred C. Koerner LS 5, dated September 1982, and recorded in the City of Burlington Land Records, Map Slide 128 Map 45-47 (3 sheets).
 - "Boundary Survey for Investors Corporation of Vermont, 180-194 Battery Street, 23-29 King Street, Burlington, Vermont", prepared by Mark V. Ward LS 498, dated March 1, 2005, December 9, 2010, and recorded in the City of Burlington Land Records Map Slide 446, Map B.
 - "Master Property Plan, Jane Jacobson, City of Burlington, Vermont, 56-58-62 Maple Street", prepared by William A. Robenstein LS 80, dated June 10, 2004, and recorded in the City of Burlington Land Records, Book 885 Page 181.
- Bearings are based on a single observation of magnetic north taken on July 8, 2013.
- This property may be subject to legal rights of others including aerial, subsurface, or ancient roads, if any, additional easements, restrictions, and/or reservations whether or not shown hereon that may or may not be found in the City of Burlington Land Records.
- There may be wells, drilled, shallow or otherwise, that could affect this property.
- This survey depicts the boundary lines of 130 South Willard Street Partnership and abutting owners based on records as of July 23, 2013.
- Determination of boundary lines was established using the interior angles per survey noted in 1a.
- Reproductions of this sketch are not valid unless signed with a blue inked surveyor's signature.
- This property is subject to an easement for the purpose of maintaining rear deck and/or stairway, described as being 7ft 8in. running east and west and running north and south 26.5 ft. in Book 286 Page 479.
- This property is subject to a subway right-of-way for the purpose of transporting ice underground in said subway from Lake Champlain, "to the buildings erected on said land", per deed reference in Survey Note 1a, Book 70 Page 507.
- This property is subject to right-of-way of common usage described in Book 94 Page 81, as a 10' wide right-of-way, no depth is given.
- The property/building corners shown hereon were calculated using interior angles based on survey noted in 1a of Survey Notes. Original building corners could not be located due to construction on the building since original survey.



"Approved by Resolution of the City of Burlington Development Review Board, Burlington Vermont, on this _____ day of _____, 20____. Subject to All Requirements and Conditions of The Comprehensive Development Ordinance of the City of Burlington, Vermont."
Signed This _____ day of _____, 20____
By: _____
Witness _____
DRB Chair _____
Zoning Permit/Certificate of Appropriateness # _____



Line Table		
Line	Bearing	Distance
L1	N30°52'40\"E	33.14'
L2	N57°21'56\"W	5.11'
L3	N30°50'14\"E	10.87'
L4	S58°17'31\"E	5.09'
L5	N30°42'45\"E	22.29'
L6	N30°14'53\"E	4.00'



Location Plan n.t.s.

Legend

- Project Boundary Line
- Adjoiner Boundary Line
- IPF Iron Pipe Found
- BPF Brass Pin Found
- IPS Iron Pipe Set
- DHS Drill Hole Set
- Calculated Point
- Building Corner
- Diameter (Inside)
- ± More or Less
- AG Above Ground
- Utility Pole
- Metal Fence
- Wooden Fence
- Chain Link Fence

Approved by Resolution of the Burlington Planning Commission on _____, 20____. Subject to all requirements and conditions of said Resolution.
Signed this _____ day of _____, 20____.

BY: _____

Deed Reference: 474:677
Total Area = 0.64 acres ±
Zoning District: Battery Street Transition
Parcel ID# 049-1-074-000

This survey is certified to:
130 South Willard Street Partnership, LLP
DW Properties, LLC
TD Bank, N.A.
Granite State Economic Development Corporation
Chicago Title Insurance Company
First American Title Insurance Company

compiled & prepared by
LaRose Surveys, P.C.
Land Surveyors - Boundary Consultants
Water & Septic System Designers
P.O. Box 388 - 25A West Street
Bristol, Vermont 05443
802.453.3818
www.larosuresurveys.com
info@larosuresurveys.com

The information shown hereon is correct to the best of my knowledge and belief and is based on a collaboration of pertinent deeds, plats, parcel, and other recorded evidence. This plat was prepared in accordance with and complies with Vermont Statute Title 27, Section 1403, (a) through (e).

Kevin B. LaRose, L.S.



130 SOUTH WILLARD STREET PARTNERSHIP

206-212 Battery Street
Burlington, Chittenden County, Vermont

August 7, 2013

PROJECT #13038

RECEIVED
SEP 26 2013

DEPARTMENT OF
PLANNING & ZONING